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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/617,430	07/11/2003	Wilhelmus J.R.K. Snel	SEID/0019	3209

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EXAMINER

LONEY, DONALD J

ART UNIT PAPER NUMBER

1772

DATE MAILED: 11/04/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/617,430

Applicant(s)

SNEL, WILHELMUS J.R.K.

Examiner

Donald Loney

Art Unit

1772

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 07/11/03, 05/17/04.
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_.

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 1-13 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claims 1,5-7 and 9, the phrase "at least substantially" is deemed vague and indefinite in scope due to the " at least " recitation. The term "substantially" has specific meaning by itself, however, the addition of "at least" renders this indefinite since it is unclear as to the scope there of. In claim 8, line 2, the phrase "or the like" renders the claim(s) indefinite because the claim(s) include(s) elements not actually disclosed (those encompassed by "or the like"), thereby rendering the scope of the claim(s) unascertainable. See MPEP § 2173.05(d). Claims 5 and 6 contain an improper Markush group. Proper language is either 1) selected from the group consisting of A, B and C or 2) selected from A, B or C. Claims 5 and 6 also contain the indefinite term "massive cardboard", the term "massive" is deemed vague and indefinite in scope since is not a recognized term in the art. In claim 5, line 2 the term "corrugates" appears meant to be "corrugated". Correction is kindly requested.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-13 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by either EP1180564 or its priority document NL 1015909 cited by the applicant.

The above references, by the same inventor, seem to be substantially the same as the instant application and claims. The publication dates are more than one year before the application date of this application, therefore, they are prior art under 35 USC 102(b).

5. Claims 1-5 and 7-13 are rejected under 35 U.S.C. 102(b) as being anticipated by Mancini et al (4052828).

Mancini et al teaches a zig-zag shaped corrugated cardboard (30) spacing two face sheets (26,28). Refer to figures 1,8,9,10 and 11 along with column 1, lines 56-66, column 3, lines 21-42 and column 4, line 36 through column 5, line 30. With respect to product by process claims it is the patentability of the product that is in issue not the process steps employed to prepare said product. See MPEP section 2113.

6. Claims 1-4 and 6-13 are rejected under 35 U.S.C. 102(b) as being anticipated by Jacobsen et al (5374464).

Jacobsen et al teaches corrugated cardboard face sheets (26,28,36,38) separated by a zig-zag intermediate layer (40,50,60). Refer to figures 2-5 and 9 along with column 2, line 35 through column 3, line 39. With respect to product by process claims it is the patentability of the product that is in issue not the process steps employed to prepare said product. See MPEP section 2113.

7. Claims 1-13 are rejected under 35 U.S.C. 102(b) as being anticipated by Schwindt (3296059).

Schwindt teaches corrugated cardboard face layers (232,234) separated by a corrugated cardboard intermediate section (230) that is at least somewhat zig-zag configured due to the ">" shape of spacing member (230). With respect to product by process claims it is the patentability of the product that is in issue not the process steps employed to prepare said product. See MPEP section 2113.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Donald Loney whose telephone number is (571) 272-1493. The examiner can normally be reached on Mon-Fri. 8AM-4PM, maxi-flex schedule.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Harold Pyon can be reached on 571 272-1498. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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A handwritten signature in black ink, appearing to read "Donald Loney", with a long, sweeping horizontal stroke extending to the right.

Donald Loney  
Primary Examiner  
Art Unit 1772

DJL:D.Loney  
10/29/04